

Marc Wolstenholme
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Plaintiff in Pro Per

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARC WOLSTENHOLME,

Plaintiff,

vs.

RIOT GAMES, INC.,

Defendant

CASE NO. 2:25-CV-00053-FMO-BFM

PLAINTIFF'S REQUEST FOR JUDICIAL
NOTICE UNDER FEDERAL RULE OF
EVIDENCE 201

FEBRUARY 13, 2025

Dated this: FEBRUARY 13, 2025

M. WOLSTENHOLME

[MARC WOLSTENHOLME]

PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE UNDER FEDERAL RULE OF

EVIDENCE 201

TO THE HONORABLE COURT, DEFENDANTS, AND THEIR

ATTORNEYS OF RECORD:

1 Pursuant to Federal Rule of Evidence 201, Plaintiff Marc Wolstenholme
2 respectfully requests that this Court take judicial notice of the following facts, which are not
3 subject to reasonable dispute and are either generally known within the jurisdiction or can be
4 accurately and readily determined from reliable sources.
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7 **I. FACTS SUBJECT TO JUDICIAL NOTICE**

8 *1. Copyright Registration Process & Pending Application*
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10 Under 17 U.S.C. § 411(a), a copyright infringement lawsuit may proceed once a
11 copyright application has been filed.
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13 A pending copyright registration does not invalidate a copyright claim if the
14 application has been filed and is being processed.
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16 Courts have consistently ruled that a delay in registration does not impact the
17 validity of ownership or rights to assert infringement. See *Fourth Estate Public Benefit Corp. v.*
18 *Wall-Street.com, LLC*, 139 S. Ct. 881 (2019).
19

20 *2. Riot Games' Access to Plaintiff's Work*
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22 Plaintiff has provided evidence that his manuscript, *Bloodborg: The Harvest*, was
23 submitted to Curtis Brown Group and other industry professionals, some of whom had direct or
24 indirect relationships with Riot Games.
25
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1 Curtis Brown Group and United Talent Agency (UTA) were in discussions and
2 formally merged in June 2022, demonstrating ongoing industry collaboration during the timeline
3 in which Arcane was being developed.

4
5 Access to a submitted work, even if indirect, is sufficient to establish an inference
6 of copying under copyright law. See *Three Boys Music Corp. v. Bolton*, 212 F.3d 477 (9th Cir.
7 2000).

8 *3. Industry Practices Regarding Script Review and Development*

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10 It is a common industry practice for studios, agencies, and executives to review
11 unsolicited or solicited manuscripts during the development of film and television projects.
12 Talent agencies, such as Curtis Brown Group and UTA, frequently recommend clients for
13 casting based on their relationships and prior collaborations with studios. The presence of
14 multiple Curtis Brown and UTA clients in Arcane's lead roles (including Hailee Steinfeld, Ella
15 Purnell, and Katie Leung) suggests an established working relationship between Riot Games and
16 these agencies.
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19 Judicial notice is appropriate for facts concerning standard industry business
20 practices that are widely recognized. See *United States v. Abel*, 469 U.S. 45, 54 (1984).
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2 **II. LEGAL STANDARD FOR JUDICIAL NOTICE**

3 Federal Rule of Evidence 201(b) permits courts to take judicial notice of facts that
4 are:
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6 Generally known within the trial court's territorial jurisdiction, or

7 Capable of accurate and ready determination by resorting to sources whose
8 accuracy cannot reasonably be questioned.

9 Plaintiff submits that the above facts meet this standard, as they involve:
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12 Statutory copyright law that governs litigation procedures.

13 Publicly available records, including merger announcements and industry-
14 standard practices.

15 Well-established case law regarding copyright access and industry operations.
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18 **III. REQUESTED RELIEF**

19 Plaintiff respectfully requests that the Court take judicial notice of the above-
20 referenced facts under FRE 201(b), as they are:
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22 Legally significant to the case.

23 Indisputable based on public records and legal precedent.

24 Material to resolving Riot Games' arguments regarding access and copyright
25 registration.
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1 Plaintiff further requests that the Court incorporate these findings into its
2 consideration of any dispositive motions, including any motions to dismiss or for summary
3 judgment filed by Defendants.
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6 **IV. CONCLUSION**

7 For the foregoing reasons, Plaintiff respectfully requests that the Court take
8 judicial notice of the above-stated facts pursuant to Federal Rule of Evidence 201.
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12 **Declaration**

13 I, Marc Wolstenholme, declare under penalty of perjury under the laws of the
14 United States of America that the foregoing is true and correct to the best of my knowledge and
15 belief.
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18 Respectfully submitted,

19 The Plaintiff, Marc Wolstenholme, M.W. Wolf.

20 Date: FEBRUARY 13, 2025

21 Signed: *M. WOLSTENHOLME*
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